



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of:

STEPHEN M. ALLEN ET AL.

Serial No: 10/659,199

Filed: SEPTEMBER 10, 2003

For: A NUCLEIC ACID ENCODING  
A WHEAT BRITTLE-1 HOMOLOG

Case No.: BB1157USCNT

Art Unit: 1638

Examiner: KUBELIK, ANNE R.

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT AFTER MAILING DATE OF A FIRST OFFICE ACTION  
ON THE MERITS (37 CFR § 1.97(b)(3))**

Sir:

The Information Disclosure Statement transmitted herewith is being filed **after** the mailing date of the earliest occurrence of a first Office Action on the merits.

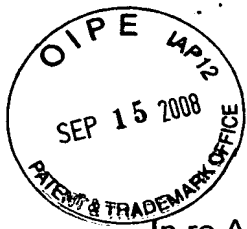
Therefore, Applicants believe that a fee in the amount of \$180 is due in accordance with the filing of this Information Disclosure Statement.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

  
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Date: September 17, 2008



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Listed on accompanying Form PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This statement is being filed after the time period specified in 37 CFR § 1.97(b)(3). Therefore, Applicant believes that a fee in the amount of \$180 is required.

The Examiner is requested to consider and to make record herein of all the references cited by or to the Office in connection with the listed applications.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO/SB/08B, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,



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Date: September 12, 2000